

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 21-48102

GEORGINA LORRAINE CLARK,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING FEE APPLICATION WITHOUT PREJUDICE,
AS PREMATURE**

This case is before the Court on a fee application filed by the attorney for the Debtor on January 19, 2022, in a document entitled “Application for Award and Approval of Payment of Pre-Confirmation Attorney Fees as an Administrative Expense of Chapter 13 Plan Pursuant to L.B.R. 9014-1 and 2016-1(a)(E.D.M.) From: 10/06/21 Through 01/04/22” (Docket # 30). On February 9, 2022, the Debtor’s attorney filed a Certification of Non-Response, indicating that no one had filed a timely objection to the fee application (Docket # 36).

The Court will deny the fee application, without prejudice as stated below, as premature. It is premature because no Chapter 13 plan has been confirmed yet. The case is currently scheduled for an adjourned confirmation hearing to be held on May 12, 2022. (*See* Order at Docket # 32.)

The fee application does not demonstrate good cause for the Court to allow fees for the Debtor’s counsel at this time, when no Chapter 13 plan has been confirmed yet. *See generally* 11 U.S.C. § 1326(a)(2). Even if the Court granted a fee application for the Debtor’s counsel now, the Chapter 13 Trustee could not disburse any money to the Debtor’s counsel from funds on hand in payment of such fees at this time, under § 1326(a)(2).

Accordingly,

IT IS ORDERED that the fee application (Docket # 30) is denied.

IT IS FURTHER ORDERED that this Order is without prejudice to the right of the Debtor's counsel to file a new fee application, after one of the following events has occurred in this case: (1) a plan has been confirmed; (2) the case has been converted to Chapter 7; or (3) the case has been dismissed.

Signed on February 10, 2022



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge